

Minutes of a joint blight and public hearing of the Redevelopment Agency of Murray City concerning the "Fireclay Redevelopment Survey Area" held on November 9, 2004 at 5:00 p.m. in the City Council Chambers of the Murray City Center, 5025 South State Street, Murray, Utah.

Attendance:

Patricia (Pat) Griffiths, Chair	David Parkinson
Krista Dunn	Blaine Benard
Robert (Robbie) Robertson	Mike Neil
Jim Brass	Ted Dann
Jeff Dredge	Rich Waller
Dan Snarr, Mayor	Pete & Sheryl Robbins
Keith Snarr, Redevelopment Director	Mike Gibbons
Frank Nakamura, City Attorney	Tim Leffel
Jan Wells, Mayor's Office	Gary Snyder
Jody Burnett, Attorney	Anna M Buhler
Jonnalyne Walker, Consultant	Tri Nguyen
Karen Wikstrom, Consultant	Behnaz Safi
Richard Chong, Consultant	Mike Stover
Shannon Jacobs, Council Office	Judy Beaudoin
	Reed Cutler
	Brandon Bonham
	David W. Taylor
	Wally Jamieson
	Hal Hansen

Pat Griffiths

This is the time and date set for a joint blight and public input hearing conducted by the Murray City Municipal Council and the Board of Directors of the Redevelopment Agency of Murray City, on Tuesday November 9, at 5:00 p.m. in the city council chambers of the Murray City Center located at 5025 South State Street, Murray City, Utah. I would first like to introduce Jody Burnett whom we have engaged as the attorney for our redevelopment agency, he will elaborate on the purpose of this hearing and give some introductory remarks.

Jodi Burnett

Property owners and members of the public, the record should also reflect that a notice of the hearing has been sent by certified mail to each assessment owner of property located within the proposed project area and each assessment owner of property located outside but within 300 feet of the proposed project area. Notices have also been sent to the State Tax Commission, the Salt Lake County Assessor and Auditor, the State Board of Education, Murray School District, and the legislative or governing body of each taxing entity within the proposed project area. In addition notice has been published in a newspaper of general circulation once a week for four successive weeks immediately preceding this hearing. For those of you who received your notice, you are aware of this, but for those of you who are perhaps uncertain about the nature or purpose of the hearing, it is threefold. Number one, to permit all evidence of existence for non-

existence of blight within the proposed redevelopment project area which includes the Fireclay Survey Area and the presentation of a blight study by Richard Chong who has been engaged as a consultant for that purpose along with any amendment or supplements to that study or analysis. Number 2, following Mr. Chong's presentation and opportunity to examine or cross examine him, there will also be an opportunity for each record owner of property with the proposed redevelopment project area or a representative on their behalf to not only examine and cross examine Mr. Chong with respect to existence or non-existence of blight, but also present any additional evidence or testimony they may wish to present to the board concerning the existence or non existence of blight. Three, the purpose of the hearing is also to inform the public about the area being considered for a redevelopment project area and allow public input into agency deliberations on the proposed redevelopment project area including an opportunity for property owners or their representatives to advise the board on their plans for present and future use and development of their property, so the board can be aware and take factors into consideration as part of the process.

Pat Griffiths

We'd now like to present an overview of steps in the redevelopment process; we have engaged the services of an expert in redevelopment a former redevelopment director, Alice Steiner. She will present a review of the statute, adoption of the resolution designating the redevelopment survey area on April 13 and possible future steps depending on the outcome of blight determination.

Alice Larkin Steiner

You should all have a copy like this and if you do not there is a stack of them by the door as you came in so if you don't have one, do try to get one before you leave. I will quickly review the process and sort of the general theoretical framework of why a city engages in a redevelopment process. The purpose of going through all of this is to determine if the area qualifies so that city can use special powers of redevelopment in going forward in terms of trying to cause change in the area to occur. Those special powers are essentially of two major types, one type is to assist with acquisition of private property so that redevelopment can progress and then the second power is to use increases in taxes that are generated in the area and to invest those increased taxes back into the area, again to encourage change to occur. At this point in time, it is my understanding the City has not made any determination about what types of change would necessarily be beneficial there and really investigating whether the area qualifies for them to use those types of powers. The first step in that investigation is to create a survey area and the survey area essentially defines the initial area of study. Within that survey area they undertake a blight study which you are going to hear the results of this evening. If the area qualifies or if a portion of the area qualifies, then the redevelopment agency board which is also the city council can make a finding of blight and once a finding of blight is made, and it's not clear that is necessarily going to happen, then they would proceed to put together a plan and the plan would more closely determine what sorts of things they hope to do as a public entity to cause change to occur in the area. Tonight as property owners you have essentially two things to present to the board. The first one is to talk about blight and if you have seen the blight survey to talk about what you think of the blight survey and if you have any evidence to present related to blight or lack of blight in the area to let them know about that evidence. The second thing is, because they will eventually be making a determination about whether they want to proceed to put together a

project area plan is to present information about your own plans for property which you have in the area so they can better understand what sorts of things might happen if they took no action at all. So it is very important if you have plans to bring up those plans and let them know what they might be. Once a plan is put together if it is put together, it would then be adopted the redevelopment agency board. It is also adopted by the city council as an ordinance and then the next step after that is to adopt a budget. Although it is adopted by the Redevelopment Agency Board, the budget also has to be approved by all the taxing entities whose taxes would be used to reinvest in the area and they are a very tough group. So it's not always clear that, even if you adopt a plan, you will indeed be given the right to use the taxes. It's a multi-step process, it's kind of complicated, it's a little bit confusing if you haven't been through it before, so we hope that you will be actively involved and take part in every step where you can take part. One of the things I also want to make you aware of is that the state legislature when they granted these powers to redevelopment agencies, took a variety of steps to try to protect the rights of property owners. Those steps are listed on the bottom half here in the form and one of the first things you need to note is that you are entitled to one copy of all of the major documents going forward. That includes the blight study, the project area plan, the owner participation guidelines and the relocation guidelines. You also have a thirty-day period if blight is found to contest that finding in court and to essentially ask for court to review the finding. There is also a process by which if a majority it's actually less than a majority of the property owners do not feel that moving ahead with the plan would be appropriate, they may object to the plan and they may also propose an alternative plan. Lastly, once a plan adopted, if one is adopted, you are given a right to participate in the project area. It does have to a reasonable right. It is not a blanket right and it does have to be in accordance with the plan and then if you choose not to participate you have to be offered relocation assistance which is essentially helping you move on with whatever happens, if indeed relocation is necessary and often it is not, although you never know until you get there. That is the basics of where we are, we started on April 13 with the adoption of the survey area, we are about to move into a blight hearing, that is also combined with a public input hearing so they can hear about your plans for your properties as well.

Pat Griffiths

Thank you Ms. Steiner

Jeff Dredge

Ms. Griffiths, may I make a comment at this time? I think it might be interesting for those that are here to understand how we got to this point and so I'd just like to explain the process of the RDA and how it came to us. There is a group of citizens in the community that are on what's called the Economic Advisory Board. There are several boards and commissions in the city, the Shade tree, Library Board, Planning and Zoning, some of you may sit on some of these advisory boards. The job of this board is to work with the mayor on looking at areas of the city that are underutilized and to help bring development, whether that be homes or businesses and to better utilize the resources of our city. This board came to the city council which also acts as the redevelopment agency and presented us with three areas in the city that they felt were underutilized. The term blight made us all kind of cringe. None of us wanted to send out a letter to anyone that said we're looking in your area and we're looking for blight. That is the term the law says has to be used during this process. So we're following a process that has been put in

place by a group of citizens that have looked at the community and we agreed that certain areas in our community are not being utilized to the fullest extent that they could be.

Pat Griffiths

I would like to acknowledge the receipt of a revised blight analysis that has been prepared by Richard D. Chong and Associates. This was revised October 28, 2004. As a matter of record, I would entertain a motion to formally accept the study.

Krista Dunn

I'll make a motion that we formally accept the study as a matter of record.

Jim Brass

I'll second that.

Pat Griffiths

Its been moved by Mrs. Dunn, seconded by Mr. Brass that we formally accept the revised blight analysis of Richard D Chong and Associates.

5 Ayes
0 Nays

We'll now open the public hearing. In doing so I'd like to turn the time back over to Mr. Burnett who will call Richard Chong as a witness to present evidence on the existence or non existence of blight in the proposed redevelopment project area.

Jodi Burnett

On behalf of the agency we call Richard Chong as a witness as the consultant retained to prepare a study of the Fireclay Survey area. I'm just going to ask a few questions Mr. Chong. Would you please state your full name and professional address for the record?

Richard Chong, 244 Edison Street, Salt Lake City, Utah

Jodi Burnett

Am I correct that you were retained to perform a survey and prepare a study with regard to existence or non existence of blight in the Fireclay Avenue Survey area as described in resolution number 04-03 of April 13, 2004?

Richard Chong

That is correct

Jodi Burnett

Would you please provide for the benefit of the board, property owners and members of the public a summary of the methodology used in your analysis and any findings and conclusions that you reached.

Richard Chong

The purpose of the study is to survey and analyze the incidence of blighted conditions, if any, which may exist within the proposed redevelopment project area. The area is located between 4500 South to the north city limit which is Cottonwood Creek; between the west Union Pacific Railroad and State Street. The boundary for the proposed redevelopment area follows individual property lines as indicated on the vicinity map

Jeff Dredge

Mr. Chong, what's that little piece in the north east corner?

Richard Chong

I'm going to get to that in a moment. Three parcels in the northeast corner were originally in the survey area, but they been deleted because they are located in the Salt Lake County and not within Murray City's limits. The proposed redevelopment project area involves a variety of different uses ranging from residential, retail and light industrial. Vacant parcels and buildings are interspersed throughout the entire survey area. Varying degrees of marginally used land and buildings are also present. The proposed redevelopment project area west of Main Street is located in a manufacturing general district conditional, an M-G-C. The purpose of the district is to provide areas appropriate for light industrial uses. The portion of the area east of Main Street is zoned commercial development conditional, C-D-C. The purpose of that district is to provide appropriate location for the accommodations of businesses, commercial, entertainment and related activities may be established or maintained. The 2003 Murray City General Plan states that the area fronting State Street, Main Street and 4500 South should be commercial retail uses. The recommendation for the northwest of the survey recommends and encourages mixed use development that is particularly significant in terms of transit supported development in and around the Utah Transit Authority TRAX station. In order to conduct an accurate and useful survey an understanding of blight is required. The term blight describes a wide range of problems from physical deterioration of buildings to the presence of health and social problems. The term blight is a legal term enacted by the legislature. It may not mean the same as blight in the common everyday language. For the purpose of this study, the Utah Redevelopment Agencies act shall be cited and used as a basis for defining blight. The following is an excerpt from the law defining blight and factors that contribute to it. "Blight or a blighted area is an area with buildings and improvements used or intended to be used for residential, commercial, industrial, or other urban purposes or any combination of these uses which contains buildings or improvements on at least 50% of the number of parcels of real private property whose acreage is at least 50% of the acreage of the private real property within the proposed redevelopment area. And is also unfit or unsafe to occupy or may be conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime because of any three or more of the following factors. 1. Defect or character of physical construction. 2. High density of population or overcrowding. 3. Inadequate ventilation, light or spacing between buildings. 4. Mixed character, shifting of uses resulting in obsolescence, deterioration or dilapidation. 5. Economic deterioration or continued disuse. 6. Lots of irregular shape or inadequate size for proper usefulness and development, or laying out of lots in disregard for the contours or other physical characteristics of the ground or surrounding conditions. 7. Inadequate sanitation or public facilities may include streets, open spaces and utilities. 8. Areas that are subject to being submerged by water. 9. Existence of any hazardous or solid waste defined as any substance defined, regulated or listed as a hazardous substance, hazardous material, hazardous waste, toxic

waste, pollutant, contaminate or toxic substance, or identified as hazardous to human health or the environment under state federal law or regulation. The act provides specific criteria for a potential project area. The very first one talks about what we talked about before, 50% of the parcels have to have buildings or improvements and of 50% it has to represent 50% of the acreage in the area. For the purposes of this study, each separate lot was identified from the Salt Lake County Plat Maps and each of the lots in the survey are shown in this figure on the screen now. For the purpose of this report, all lots that are owned by the same exact entity and are contiguous are considered a parcel. The owners can exercise property rights as if the lots were a single unit. We have assigned each one of these a parcel identification number. In order to undertake the comprehensive analysis of the survey area, it was determined that a multidisciplinary team of professionals serve as the survey team and examine the existing conditions, structural analysis, site evaluations and will consist of an architect, planner and two planning technicians. Additionally, Murray City Redevelopment Agency assisted in providing information relating to the survey area. A field survey was conducted on June 2nd and June 4th 2004. An inventory was conducted of all parcels within the survey area. The survey form was used to keep track of the findings and that was attached to the report. Additional information was received from the county assessor's office, the city engineering department, the redevelopment agency and the planning department. The first thing we needed to do was to see if this area qualified under the first test. Of the total acreage which is 83.36 acres, 81.56 contained buildings and improvements, that represents 98%. The parcels with building improvements represent 92% of the parcels. This area passes the first test with respect to the qualification of the area and the shaded areas are those that meet the criteria. Clearly greater than 50%. What I'd like to do now is take a moment to show you some pictures of what we found during our survey.

It is the professional opinion of the consultant team based on the blight analysis that the proposed redevelopment project area is unfit or unsafe to occupy or may be conducive to ill health transmission of disease, infant mortality, juvenile delinquency or crime because of the following reasons. Factor 1 Defective Character of physical construction. The condition of structures in the proposed redevelopment project area was based on a visual survey that evaluated each structure on its condition to building code compliance, the fire safety measures and environmental measures. The structural integrity of each building was determined by visual survey from the exterior by an architect for physical evidence of sagging roofs, beams, out of plumb walls, wall or foundation cracks, foundation settlement and evidence of long term neglect that results in defective character of physical construction. The area exhibited a number of sub standard structures. Of the 65 primary structures in the survey area 23 or 35% were in substandard condition. 15 structures or 23% of those were in deficient condition and 5 structures representing 8% of the structures were in deteriorated condition and 3 structure or 5% were in dilapidated condition which means beyond repair. Eight accessory buildings were also noted in the survey area and of those accessory buildings 3 structures of 38% were in need of maintenance, 1 structure representing 12 % was in need of major repair, and 4 structures representing 50% were beyond repair.

On Parcel F2 there were numerous buildings and structural footings as well as foundation walls left over from the previous user and are an impediment to development and a safety hazard in

some cases. It was also noted that there were six vacant buildings in the area; this represents 9% of the major structures in the area.

Parcel D8 has an illegally enclosed garage without provision for off-street parking.

Parcel D9 has an illegal mobile home added to the existing single family residential use that overhangs a public sidewalk.

Factor #2 mixed character and shifting of uses resulting in obsolescence, deterioration or dilapidation. As an indication of mixed character and shifting of uses the survey area exhibits commercial, industrial and residential uses. The introduction of the light rail station at Fireclay Avenue and that the general plan has shifted to transit oriented mixed use development including higher density residential commercial and retail uses. There has been a trend away from single family homes which has left isolated residential uses mixed with incompatible uses. Ten parcels or 23% have non conforming residential uses; there are 10 incidences of land use conflicts between residential uses and commercial or industrial uses. Five parcels representing 11% are vacant or marginally used. There is 1 vacant residential building and 5 vacant commercial buildings and this could indicate obsolescence and or poor condition. There are numerous conflicts with the present zoning ordinance the majority of the parcels do not meet the zoning requirements for the two zoning districts. Many of the parcels do not meet the 10 foot front yard landscape requirement or of the 10% site landscaping requirement in the C-D-C zone. Parcels A1 A7 D7 and D8 have no landscaping at all. There are no 10 foot landscape buffers or masonry walls adjacent to residential uses presently and several parcels have parking lots in the front yard setback. The city ordinance requires open storage to be screened from view with a light-tight fence, the purpose is to protect against environmental, health and safety concerns created by the land use. Parcels A7, B1, B4, B5, B7, B8, C1, E2, D2, D3, D6, D7, D8, F1, F2, do not satisfactorily meet this requirement. And as an indicator of obsolescence deterioration and dilapidation, the area exhibited a number of sub standard structures as summarized previously.

Factor #3 is economic deterioration or continued disuse. The proposed redevelopment area has undergone economic deterioration as indicated by building deficiency, site deficiency, marginal uses and vacant parcels and buildings. One key factor again is the number of sub standard buildings as summarized before. On parcel F2 there are numerous buildings and structural footings and foundations left over from a previous user, which are an impediment to development and a safety hazard in some cases. Five very large parcels representing 12% are vacant or marginally used. There is one vacant residential building. 7% of the residential parcels do not list the property address as the address of the owner, this is a strong indication that the primary single family residential area is comprised of significant number of rental units. All of this points to a trend of economic deterioration. Another indicator of economic deterioration is the general lack of site upkeep. Ten parcels representing 24% are in need of light maintenance. 15 parcels representing 37% are in need of heavy maintenance. This represents a total 61% of the parcels that are in need of site upkeep. Parcel D11 has illegal storage of debris behind the building. Parcels C1, E1, and F1 have evidence of illegal dumping of debris and high weeds. Parcel E1 has a potential rodent infestation due to high weeds and presence of water. Five parcels representing 12% exhibit unpaved driveways and or poor site paving. There are 80 vehicles that are either unlicensed inoperable or abandoned in the proposed redevelopment

project area. Parcels A6, A8, A9, A17, B1, B2, B10, B17, B31, B32, had Murray City buildings department violations resulting in site visits for remediation of the violations including living in a camper on a vacant lot, vehicles in alleys, abandoned vehicles and debris, several housing complaints and buildings vacant and boarded. These are all strong indicators of economic deterioration and continued disuse.

Factor #4: Irregular subdivision of lots. Lots of irregular shape or inadequate size for proper usefulness and development or laying out of lots in disregard to the contours or other physical characteristics of the ground and surrounding conditions. 15 parcels exhibit poor size and configuration. Parcels F2 and E1 are quite large and unless they were developed as a single parcel, access and utility service can become issues that require easements over private land. Parcels A5, A11, B3, D1, D2 are very deep in relation to their width and may be difficult to develop in an efficient manner. Parcel F2 has a very irregular shape. Irregular shape and or small size of these parcels discourage effective use and development of the land. Parcels D5, F3, and F4 are inaccessible. They seem to be left over parcels of land that could impair development by clouding title with respect to access or other issues. Parcels D5, F1, F2, F3, F4, F5 have little or no frontage on a dedicated street. The development of these parcels would be difficult to non-existent or poor vehicular and or utility access. In some cases, vehicular access and utility must be provided across easements over private property.

Factor # 5: Inadequate sanitation or public facilities which may include streets, open spaces and utilities. With respect to inadequate streets, Main Street was rebuilt approximately 1 year ago and is adequate. The bridge across Big Cottonwood Creek is scheduled to be replaced soon. Fireclay Avenue and Edison Street are substandard by Murray City standards in terms of improvements and or width. 4500 South suffers from poor level of service. The state wants to widen the street to six lanes to match the state configuration west of I-15 and east of State Street. The dead end north south street between parcels A7 and A8 does not have a required emergency vehicle turnaround, the alley at the end that goes east is not a dedicated alley. The city would prefer that the dead end street be vacated because the building that it served no longer exists. All of area F has only narrow access point at the end of Fireclay Avenue over the tracks. More intense use will not be allowed until additional access is created. There is no access to 4500 South because of the limited access state road and because of the steep grades due to the rail overpasses. There cannot be any access over the railroad right of way on the west and east sides of the area. Therefore the only option for additional access to area F is a bridge across Big Cottonwood creek to Central Avenue. The west side of the dead end north/south street between parcels A7 and A8 has no curb gutter or sidewalk. Edison Street is missing curb, gutter and sidewalk. The small portion that does have sidewalk is deteriorated and the concrete is spalling. Portions of Fireclay Avenue between Main and State streets are missing curb, gutter and sidewalk and the other portions are missing sidewalk. The north side of Fireclay Avenue between the UTA railroad tracks and Main Street is missing sidewalk. Parcel D11 is missing curb gutter and sidewalk along Main Street. There is a 2 inch high tripping hazard on Main Street in front of parcels D8 and D9. With respect to inadequate water system, the water mains in State Street are inadequate, the existing 8 inch mains should be 10 inch mains and there is shortage of fire hydrants. Fireclay Avenue and Edison Street between State and Main streets are inadequate; the existing 6 inch mains should be 8 inch to 10 inch mains, and there is a shortage of fire hydrants. At 4500 South on the north side of the right of way between State and Main

streets the existing 6 inch water main should a 12 inch line; the number of fire hydrants is insufficient. There is an 8 inch waterline serving area F that is not in a dedicated street. It is protected by an easement, but the access could be poor and is inhibitive to future development as nothing can be constructed over the easement. With respect to inadequate storm drainage, there is no collection system for storm water runoff on Fireclay or Edison streets between State and Main. There is no storm drainage for area F. Storm drainage service in the northwest area of area E may be difficult. With respect to the sanitary sewer system serving area F and B is not on a dedicated street. A portion of the north/south line is protected by easement, but access would be poor and could inhibit future development as nothing could be constructed over the easement. The east/west line is not protected by easement and must be because nothing can be constructed over it. In addition an 8 inch line runs under the main building on parcel F5 and under the building on parcel B1 and this is against the building code. The sanitary sewer serving area D and F that ranges in size from a 12 inch to a 15 inch diameter pipe is inadequate, it should be 15 to 24 inches in diameter. The northern portion of area E is low lying and poses a problem if it were to be served by Murray City. The sewage would have to be pumped up to the existing system which involves high maintenance. Another option is to collect the line on Main Street at Big Cottonwood and have the area served by the Cottonwood Sanitary Sewer District instead of Murray City. There is also no direct utility service via dedicated street or to parcels C1, D1, D2, D6, E1, F1, F2, F5. These parcels are deep and are quite large and unless developed as a single parcel, utility service could be difficult. Parcel F1 is the only one served by laterals that cross private property. Parcels D3, F1, F2, F4, F5 have no utility service from a dedicated street and suffer from poor utility access. In addition, we found that there were two conditions of hazardous waste and hazardous materials in the area even though we didn't consider it because it was not verified by us. Area A is a former smelter site, and there is significant change in elevation between the north side versus the south side of Big Cottonwood Creek due to the stockpiling of slag. The slag is believed to contain arsenic but is in insoluble form; therefore water doesn't leach it out. It would have to be ground up in order to pose a hazard. It is proposed to be a CIRCLA site. The northern portion of area F is the former Simpson steel site and the foundations and footings are evident there. The southern portion of area F is the former site of the Cahoon brick manufacturing plant. All of the above information could be not be documented with respect to whether or not environmental concerns were actually blighting influences there, though we thought it was worth noting. Also, based on information from the Federal Emergency Management Agency flood insurance rate map, Big Cottonwood Creek runs along the northern edge of the survey area. The 100-year flood event is shown to be contained by the waterway boundary and the culverts at State Street and Main Street are capable of containing the 500 year storm event. Therefore, it seems that no blighting influences are present in the site based on floods.

Our summary and conclusions as stated in the beginning of the report, the purpose was to determine whether blight exists and whether this could be a redevelopment agency project area. We found, One, that it does meet the statutory requirement in terms of 50% of the parcels having buildings and improvements and at least 50% of the acreage in the area meeting that criteria. Also I'd like to note on page 71 when we did the revision there was a paragraph omitted. It states it was also found to be unsafe or unfit to occupy for it may be inductive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime because of the following factors; three are required, we found five. Defective character of physical construction, mixed

character and shifting of uses resulting in obsolescence deterioration or dilapidation. Economic deterioration or continued disuse. Four, lots of irregular shape of inadequate size for proper usefulness and development, or laying out of lots in disregard to the contours of other physical characteristics of the ground and surrounding conditions and finally inadequate sanitation and public facilities which may include streets, open spaces and utilities. At the end of the report there's a matrix that summarizes on a parcel by parcel basis the instance of blighting influences. 25 parcels or 61% of the parcels representing a major land area have 3 or more blighting influences. All of the 41 parcels representing 100% of the parcels have at least one of more blighting influence. That concludes my report.

Pat Griffiths

Thank you Mr. Chong. Now I would like to give the board members an opportunity to ask any questions they may have or any cross examination of Mr. Chong.

Krista Dunn

As compared with other studies that you do, if you were to rate this against other blight surveys, where does this fit.

Richard Chong

On a scale of 1 to 10 with 5 barely qualifying this would be about a 7.5.

Jeff Dredge

The information is pretty conclusive.

Pat Griffiths

If there are no other questions of the Board, I will now invite any record owners of property located within the proposed redevelopment project area or their representatives who may wish to examine or cross examine Mr. Chong regarding his study and evidence of the existence or non existence of blight to come forward. As you come to podium would you please state clearly for the record your name and address.

Bob Fisher 23 East Edison Murray, Utah 84107

I'd like to represent Mrs. Wilma Smith, she has parcels 10 and 9. She has trailer house they showed where the tongue was out on the sidewalk. That trailer was put in in 1942. Last year Murray just put the sidewalk in. So they put the sidewalk under the tongue, but it wasn't there all those years, ok that takes care of that. In the meantime, I had her paint the tongue red so people were aware. Now as far as the garage goes for her that was a small garage and she had that closed off, that's just a storage area. The reason she did that was because at her age and her responsibility, she gets a little better deal without having a car in there for the insurance. So this helped her in a lot of ways. She depends on Utah Property Rights. You have her down here, substandard building. I think if you look there you'll see that there's been a lot of work done around there and she is legally blind. She has people from the Blind Center there with her helping her. So I get to keep an eye on her and try to help her. She did have an inoperable vehicle there. I went down there to move that out of there Friday and for some reason I couldn't wake the guy up in the house or that would have been gone. This is in behalf of this elderly lady; this is what really concerns me. The sidewalk had a little space going down into the lawn, we

filled that in. One of the things I always remember is the constitution. Regardless of what goes on here tonight, the constitution means a lot. Let's get over here to area B. I also have pictures that I brought. He indicated that they may be working on the roof, that's the picture right there. It's done, completed. There's also fencing around there that never showed up. You call it a substandard building, the amount of money that's been put into that place and what it was bought at, it's going to blow your mind if you see all the figures. You indicated a vacant building. Now what do you class as a vacant building. In your opinion what's a vacant building.

Richard Chong

I looked inside and saw that it wasn't occupied.

Bob Fisher

Did you notice the 10,000 dollar piano in there? Did you notice all the furniture in there? For a long time there were people living in there all the time. Two people were in there every day setting up our computer system on the internet and that went on for a long long time. I'll grant you, I'm not that house day in and day out living. I've been down to the point where I've been a one man operation for a long time here going out helping people. You can't believe what we do. We have the whole state of Utah. We're affiliated with Property Foundation of America out of New York City. They send me literature on blight and different things. I want to tell all these people in this building that I've been dealing with people over in South Salt Lake where they used the RDA to build a hospital. There are homes and there are businesses over there and they've been there for 13 years. They used eminent domain on them and those people still have their homes and still have their businesses, so it isn't a total loss. I went over the whole area of your blight study. You've got all of these vehicles that are non-licensed, non operable in your opinion. But if you'll look at it you'll find out that they're dealers and they have dealer plates. They can take a dealer plate and put them on any vehicle out there, so they're covered and that is covered by the state of Utah, Murray doesn't have anything to do with it. So you have to keep that in mind. You brought up that there were three properties that weren't in Murray and I had it down to let you know about that, but you caught that. I checked around with a lot of people on a lot of things and you have to keep in mind. You and I, we've run into each other down in South Salt Lake on an RDA. The RDA didn't go, the council people seen through it and voted it down. I got called a lot of names by the mayor of South Salt Lake. The key is at least these they've seen that things weren't as bad as they thought, and they went ahead and voted on behalf of the people. And that is something that I felt good about. I used to work with the legislature on RDA's so I know a little about them. Anyway, I think these people if they get their information and I have pictures and I told these people to start cleaning up do whatever they have to do to see what we can do. I don't want to lose my office there, my house my place, I'll grant you I haven't been there a lot. My wife fell and fractured her back so that's put me away a little bit. But I'll tell you I'm there every single day. If that means that place is vacant then this building here is vacant because I don't think people stay here all night long either. Anyway I won't take up any more time. Just remember there is hope fellows and people.

Pat Griffiths

I'd like to clarify that this portion of the hearing is to ask questions of Mr. Chong.

Blain Benard

I'm with the law firm Holme, Roberts and Owen, here with and on behalf of Advanced Foam Plastics. I would like to make a statement at some other point in the proceedings either tonight or in January. I have with me two of the owners of Advanced Foam Plastics who came from Denver this morning, Rich Wahl and ? Also with us is the plant manager Mike Neil who is a Murray resident born and raised, went to Murray High School. He lives here and works here.

Pat Griffiths

We'd also like to acknowledge the receipt of a written report from Advanced Foam Plastics.

Blain Benard

I hope you have that because there is one or two photos that I would like to point you to. I also would like to put an official objection on the record for the amended blight study. I know we don't have one, I don't know how many people have one; I don't know when it was published. I noticed the numbers and the statistical figures were different. I'm going to proceed with my questions based on the old one. I don't think there's anything different as far as we're concerned.

Pat Griffiths

Mr. Chong can clarify that

Richard Chong

There is not.

Pat Griffiths

Probably the revision was to delete the parcels that were in Salt Lake County.

Blain Benard

That could have been. Mr. Chong I'd think I'd like to start first on page 4 of your report. I'll go through this rapidly. As I understand from your report here, you've essentially quoted from the blight statute in Utah code, is that right?

Richard Chong

Correct

Blain Benard

And at the bottom of page 4 under subpart C that's essentially your finding and that is that the blight survey area is unfit or unsafe to occupy or may be conducive to ill health transmission of disease and so forth. That's basically your ultimate conclusion is it not?

Richard Chong

It is

Blain Benard

You indicate what appears to be about 5 of these blight factors and focus on those in your report. Five out of the 9 that are found in the statute is that correct?

Richard Chong
That's correct

Blain Benard
Let's turn to the first one which is on page 21 of the report. This is factor number 1 and it's described in the statute as defective character of physical construction, is that correct?

Richard Chong
Correct

Blain Benard
As far I can see to respect to parcel F-5 which would be Advanced Foam Plastics building and property, it is not identified at all in your narrative there nor is it identified on Figure 6.6 as having any problems with respect to that factor, is that correct?

Richard Chong
True

Blain Benard
Your next factor number 2, the narrative which is on page 28 of the report. This factor is mixed character and shifting of uses. Again same question building F-5 there is no description of a problem with building F-5 with respect to factor number 2 correct?

Richard Chong
Correct

Blain Benard
If you look at the figure 7.6 which is area F again, property number 5 there was no difficulty with respect to your factor number two.

Richard Chong
Yes, because it's a summary of the narrative. That is always the case

Blain Benard
Factor number three. Page 35, this one the description out of the statute is economic deterioration or continued disuse, again in the narrative so far as I can see there is no identification of any problems for F-5 in this factor?

Richard Chong
That's correct

Blain Benard
We'll skip the figures 8.6 and 9.6 because they both come within factor number 3. If we go to factor four, which the narrative begins on page 49, Here's where we first find the building that we're most interested in F-5 in the last paragraph where it identifies parcels E-5 F-1,2,3,4 and F-5 and the problem that you find with respect to this factor number four is that this building or this

parcel has no frontage on a dedicated street; therefore it would be difficult to develop. Is that an accurate reading of your report?

Richard Chong
Correct

Blain Benard

And the reason for this is I'd like to direct the Board members to the information that we submitted to the Board last week you can turn to exhibit D in that information. Exhibit D shows various photographs of the AFP building. The first picture is taken from the east side of the building and shows the road going across the light rail tracks into the area. The second photo shows the same thing. And essentially, Mr. Chong, what happens is at about a point just west of the tracks is where the dedicated Murray street ends, is that correct?

Richard Chong
Correct

Blain Benard

As far as you know, there wouldn't be anything that would prohibit Murray city from acquiring the road going west of the tracks would there?

Richard Chong
I don't know that. All I know is there is no dedicated street on the property now.

Blain Benard

You know no reason why Murray City couldn't decide to acquire that parcel that's got curb and gutter and a pretty wide street.

Richard Chong
Under the normal laws, I guess they would apply. I don't particularly know.

Blain Benard

So that's the one failing you have for parcel F-5 under factor number 4. Let's turn to factor number 5 which I believe is on page 56 of the report. With respect to area F and particularly parcel 5, if you go down about mid way through the page there on page 56 there is a large paragraph that begins all of area F, you see that all of area F has only one narrow access at the end of Fireclay Avenue. I just want to point the board back to the photos. As you can see, I will show that this one narrow access is essentially this road with curb and gutter and it is exactly as wide as the public street that goes across the tracks. I point that out because I think the description of only one narrow access point is a little bit misleading. I just want to make sure the Board all know that part of what AFP was required to do four years ago was put curb and gutter on that access. It's not a dedicated street, but it's a wide street with curb and gutter.

Richard Chong
Would you clarify that for me because this picture shows that it's wide and then it narrows down and then it goes wide again, so this does choke down?

Blain Benard

It does and that is Murray City's property; that is Murray City's road where it goes down narrow. Then it comes across and it goes onto the private parcel.

Richard Chong

Sir, does your property touch that opening even?

Blain Benard

It abuts up to the UTA corridor.

Richard Chong

So you actually have no access across that. It's private property that you come across to get to your own property.

Blain Benard

No, it's public property to the west side of the tracks and then immediately it goes private property again.

Richard Chong

But you have to drive across somebody else's property.

Blain Benard

The State of Utah, and then we have an easement from there west. It's not a public road, but that the same road that I said it wouldn't be hard for Murray City to acquire that and turn it into a public road.

Richard Chong

Or require the owners to do that.

Blain Benard

Still under factor 5 turn over to page 63 please, the back of the report. The finding of the blight study on page 63 with respect to all of area F is that there is no storm drainage system for area F as defined in there. I would just make one note that as you also see from the photos there is some onsite development work that was required by the city four years ago when they expanded their building, it does not service the entire area F, we do not claim that there is a storm drainage system in area F, only that AFP did exactly what they were asked to do 4 years ago when they expanded their building. In addition, we're aware of the 8 inch line that runs underneath the old part of our building. Again AFP was not asked to do anything with respect to that four years ago when they went through the permit process and put about 2 million dollars into our building. Again, that's still under factor 5. Mr. Chong if you'd turn to the next page, 64 which is the last part of factor 5, the failures here as described by your report are essentially that these parcels are deep and quite large and difficult to get to and the utility service doesn't come from a dedicated street. Again, that's because the utilities are stubbed basically to the end of the public easement and we have an easement going west of the tracks where utilities are provided again by some mechanism as described by Mr. Chong either by having developer putting utilities in there and

make it a development or a dedicated road that's possible. Then the last area of factor five that the study finds there to be a failure in. So as I read it Mr. Chong, you have a failure of factor four, no I'm talking just specifically parcel F-5, factor four and a failure of factor 5 even though there are several ways that factor five fails that 2 out of 3; that's not 3 out of 3 as this report describes. I point that out simply because when we carefully studied this report there was something different. If you go to page 72 and then you turn back to the matrix that Mr. Chong describes about three pages where you have the matrix that has area F on it. He has with respect to our pretty F-5 a total of three factors which have failed, therefore he's considering our property blighted. However, his mistake is that two of those fall within factor 5.

Richard Chong

I corrected that in the revised one.

Blain Benard

Well then that's the amended one. I just wasted twenty minutes.

Richard Chong

I might just mention that the area taken as a whole is defined as blight.

Blain Benard

I understand that, and I'm here to represent these folks who put millions of dollars into this property. They've been a good corporate citizen for 10 years and you read the material and again we'd like to make a statement at the end when it's appropriate. I'd also like to point at this report that we received is now an outdated version. Let me do one last thing. Back to factor number 4 where you identify that there is this narrow access into the property which is a road about 35 feet wide and I want you to tie that back to the finding of blight, how does that 35 foot wide road how does that make it unsafe or unfit to occupy area F-5.

Richard Chong

I do not define what makes it unfit or unsafe, the state legislature defined that.

Blain Benard

That's your finding in your report, you found this to be unfit unsafe. I want to know how the fact that we have a 35 foot road into our property makes it unsafe and unfit

Richard Chong

The state legislature determined those criteria. I didn't set up the factors; I only found that you have two of them.

Blain Benard

The question is did you find that as a result of these factors that it is unsafe or unfit to occupy. Did you make that finding?

Richard Chong

No because it only has 2 factors if it had 3 that parcel in and of it itself would have it no matter which three they had. You're asking me to define how the state legislature arrived at their conclusion, I cannot do that

Blain Benard

I'm not asking that; I'm asking you how you arrived at your conclusion.

Richard Chong

Parcel 5 is not deemed blighted, it's only part of a blighted area.

Blain Benard

Parcel 5 is not blighted

Richard Chong

It meets only 2 criteria

Pat Griffiths

We have another meeting that is supposed to begin at 7:00 and don't want to cut anybody short but I just ask you to make your comments as concise as possible so we can move the proceedings as quickly as possible.

Christie Dutson

I didn't get one of those papers on the blighting information and I live at 65 East Edison. We came here before when we had to get a permit. We've put a lot of money into our house. Our house is probably one of the best ones in Murray. We have a couple of questions on it too. My name is Christie Dutson and I live at 65 East Edison. There's probably about 20 trees there. I have pictures. I have 2 appraisals that we've had done on it because we've done so much work. We just want to know what you found on our house.

Richard Chong

For the record, she is referring to parcel B-11. The only things listed for your property is missing curb gutter and sidewalk and there's a non-conforming use of the land and there's a land use conflict between you and the non residential use next door to you.

Christie Dutson

Towards State Street? No that ain't me. That's on the other side, and that isn't my fault there's no curb and gutter.

Richard Chong

We don't assess any blame, Mam.

Christie Dutson

When we moved there we knew that, we that thought we could clean it all up. We did have to have cash to buy that house because it was in bad shape when we got it.

Richard Chong

It's also not your fault that there is inadequate storm sewer or water service.

Christie Dutson
So what else

Richard Chong
Those are it. Your particular parcel that's the only problem, and it is a very nice home.

Christie Dutson
Ok that's what I wanted to know. So all this money we put into our home and all this labor we put into our house, we're not going to just, I mean it's hard for us to see our house get ripped down because this is not what we wanted to do; we wouldn't have done all this work and everything. I just don't want to feel like we did all these work, you know what I'm saying. We put a lot of years into this house I mean its 9 bedrooms and four baths, its all tile and hardwood. So that's all I wanted to say.

Pat Griffiths
Are there other people who have questions of Mr. Chong?

Bob Fisher
I'd like to ask him one question.

Pat Griffiths
Make it quick Mr. Fisher

Bob Fisher
Right next to 23 Edison there is a grate right on the road for storm water to run in and across the street there's another one so there has to be some kind of a storm system there.

Richard Chong
You're correct, they're too small

Pete Robbins, 4530 and 4329 S. Box Elder Murray, Utah 84107
By the expansion of the border around this, we have been involved in it. I'm wondering what involvement those residents, which there are quite a few from Boxelder have in this project, we've been outlined, our properties are outlined as being involved in this project. Do we just simply get to pay for everybody else's or are they going to do something in our area?

Pat Griffiths
Is this within the 300 foot radius?

Pete Robbins
It shows this drawing on your map it's within 300 feet of 4500 south. 4500 south is about 500 feet wide.

Jodi Burnett

The statutory requirement is that Agency provides notice to owners with 300 feet and to err on the side of caution the right of way of 4500 South was not included. So without starting over with a different project area, your property could not be included, it's simply a statutory notice requirement so you can be advised of what may happen within a given proximity as determined by the legislature.

Pete Robbins

This said we could be taxed

Jodi Burnett

No, if your property isn't within the proposed project area. First of all let me back up, no property owner in the project area will pay any increased taxes if their project is included in a project area plan. It's simply what would happen and if additional tax increment generated by redevelopment would be available. But for a property owner it doesn't result in any increase tax burdens.

Pat Griffiths

The bottom line sir is you're not directly impacted in any way. We'll move now onto the next section. We'll now invite property owners within the proposed redevelopment project area or their representatives to present any evidence and testimony including expert testimony concerning the existence or non existence of blight. At this time I'd also like to acknowledge receipt of written comments from Travel Village RV Sales and Service and Whitmore's Inc. Midas Mufflers. Would you like to give a brief summary of those Mr. Snarr?

Keith Snarr

There were a few letters, we received one from Travel Village at 4360 South State a family business owned by Mike Mallory. Their letter noted that they've been in business for 30 years, they generate a lot of sales tax for the city, and they recently completed a remodeling and installed a new water line. His primary concern is relocation and whether their business could be successful if it were relocated. Whitmore's does business as Midas Muffler at 4434 South State, they've been in business there for 25 years and have a long term lease with Midas International. They note that this is a neat a tidy business and they request that they be excluded from the RDA and their letter constitutes their formal objection with regard to including them in the redevelopment project in this area.

Pat Griffiths

Thank you Mr. Snarr. Are there any others who wish to give comment at this time?

Christie Dutson

I wanted to know what if you just put curb and guttering in?

Richard Chong

The purpose of the redevelopment project area is to solve or mitigate all those things so depending on what the plan is which I don't know.

Christie Dutson

What if you just left our house out of it and we put the curb and guttering in, could you leave ours alone. Well I know that you go to some other city where you don't have it and you're out in the middle of nowhere and you've got to kind of put that in yourself anyway, right?

Jody Burnett

I understand that, but in the redevelopment process at the conclusion of the blight hearing, if they make a determination of blight in the area, then they can decide to designate a proposed project area, at that point in time a plan will be prepared and subject to additional notice and public hearing propose a plan for the area. What Mr. Chong is referring to, is depending on what that plan provided, things like utilities, curb, gutter and sidewalk could be financed by tax increment funds from the project area. You don't know until that happens though. We are just early in the process now, and until we get to the point of plan preparation and proposal for the area we won't know the answer to those kinds of questions.

Christie Dutson

We sought to beautify this house and we did it.

Pat Griffiths

We understand your concern.

Blain Benard

I don't want to rehash what we've presented to you in the packet of information. I only want to say that we're not here to be adversarial, we're here because we're property owners, we're good corporate citizens, we've paid a lot of money in taxes to this community in the last 10 years, we did everything we were asked 4 years ago when we expanded our building including landscaping. When you saw the first aerial photograph from Mr. Chong the only piece of grass you could see was around our building. So we've done a lot of good things. We have some significant issues about expansion. We have the land to expand, we have the air-quality permits to expand, and we have expansion plans. So really what we're asking is we know that you've adopted these rules governing participation and preferences, and that's essentially what we're asking. Under those rules under 1b-102 it says persons or entities holding interest in property within the project area shall have a reasonable opportunity to become participants. The agency shall extend priority to persons or entities holding interest in property in the project area to have the opportunity to continue in the project area and finally the agency shall permit owners and tenants within the project area to be given the opportunity to participate in redevelopment of the project area, by owners retaining maintaining and if necessary rehabilitating all or a portion their property. That's all we want. We're not opposed to relocation, we have some difficult issues because of the type of equipment we have in this building, relocation expenses will be expensive, but we're not opposed to talking to a developer who might be selected if that's the case. The fact that our property is not blighted, we know we're included in this big area that may be and so we just want to be involved in the process, we invest a lot in the community we have employees who live here, the average term for our employees is over 7.5 years, so we don't have a lot of turnover. We just want that opportunity to work with the board and any developer.

Pat Griffiths

We appreciate that very much, thank you. Also we'd like to open this meeting to comments of property owners outside of the proposed area but within 200 feet and representatives of any taxing entities, and also members of the general public. We'll now turn time to the representative of Deseret Industries and ask him to give his name and address for the record.

Gary Snyder, Deseret Industries

It's a pleasure to be back in Murray City, I grew up in Murray city, I had an opportunity to stop by and give my old Sunday school teacher a hug on the way here. Gary Snyder representing Deseret industries, Business address is 50 East South Temple, Salt Lake City. My objective tonight is to give you an update on properties that we own, as well as to share with you the new and the future of Deseret Industries, and to share some lesser known aspects of Deseret Industries.

Pat Griffiths

Mr. Snyder is moving into the next portion of the meeting, to inform us of future plans.

Gary Snyder

Mr. Snyder made a presentation concerning the new prototype for Deseret Industries stores, the operations and programs of Deseret Industries, as well as the intent to participate in the redevelopment area with a new Deseret Industries store.

Pat Griffiths

Is there anyone else who wishes briefly to tell us of future plans that we can consider in our deliberation.

Tom Saul, TW Auto.

This has been approved by Murray City and its going to remodel the building completely. Another thing while I'm up here. You show that on the list showing TW Auto, you show them hurting in 5 categories, area A parcel 11. Then on the description where you have TW Auto, you show just 3, which one would it be? These are very nice plans approved through Murray, it will change everything.

Pat Griffiths

I would just like to make you aware of and announce that for the benefit of all concerned and to enable us as Board members sufficient time to review the revised blight analysis and the information that we've received tonight at this hearing, we would like to have the combined blight and public hearing continued to provide further opportunity for presentation of additional evidence. We would like to do that 4:00 pm Tuesday, January 18, 2005, for which additional notice will be provided. In order to formalize that I will entertain a motion to continue the combined blight and public hearing on January 18.

Moved by Krista Dunn

Seconded by Jeff Dredge

5 Ayes

0 Nays

Also on behalf of the board for informational purposes, we wish to advise property owners and the general public of the need to amend the boundaries of a prior project area. That has been mentioned here tonight. I want to make that clear to develop some overlapping areas that are within the Fireclay Survey Area and also to revise the boundary of the proposed Fireclay Redevelopment Project Area to delete properties that are located in unincorporated Salt Lake County. These issues will also be considered by the Board of the Redevelopment Agency and the Murray City Municipal Council at the continuation of the hearing on the 18th of January. Also we'd like to make all property owners and members of the public aware of the existence of rules governing owner participation and relocation assistance. While the agency has existing rules on these issues we need to update the provisions to reflect recent statutory changes. That will be accomplished by this agency either prior too or at the time of the continuation of the hearing on the 18th.

Jodi Burnett

Given the concerns that have been expressed it seems like a lot of property owners did not have the benefit of having the revised blight study analysis. I think we should make it clear that the agency will make a copy available to anyone who is concerned about that prior to the January 18 hearing.

Pat Griffiths

We would have them contact Keith Snarr our Redevelopment Agency Director. Mr. Nakamura, do you have anything you wish to add?

Frank Nakamura

No I don't. Also that revised study will be on file at the City Recorder's Office.

Pat Griffiths

I appreciate all of you who have attended tonight for your participation. I express our appreciation to our legal counsel, consultants and all the members of staff who have assisted with this process and look forward to working collaboratively with all of you to improve our city.